

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
May 11, 2020**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King, Eric Cyprus; Michael Hecht; Lynne Eckardt; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero.

Absent & Excused: Boardmember Dan Armstrong

**PUBLIC HEARINGS:**

1. **EUROTECH, 19 Sutton Place, Tax Map ID 78.-2-16.6** – Public Hearing to Review an Application for Site Plan Amendment.  
Peder Scott of PW Scott Engineering represented the applicant  
The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.  
**Chairman LaPerch:** Peder, remember this is a Public Hearing so please walk us through the project if you could please.  
**Mr. Scott:** Yes, the 19 Sutton Place project is a sports center built on Sutton Place Road. It's being converted to a general business use; that of storing building access equipment mainly utilized in the Manhattan area. They will be storing a big storage facility for these various platforms and access ladders for jobs offsite. The property has a 48,000 sq. ft. building, which will have offices remaining where they exist now but an indoor basketball court and an indoor soccer center will be converted into storage facilities. This portion of the project has access being created around the rear of the building or western side. Where there are existing doors to these two large, open areas where our trucks will now access; the rest of the parking lot will remain untouched. It will just be vacant. There is a large soccer field to the north, which will also remain untouched with the project itself. One item that did arise is that there seems to be a need for putting up fencing along the front property line of the project because of the numerous illegal entries to the property, which has been reported recently on the site and the client wants to add a 3 ft. high fence 3 ft. back from the front property line with gates because they're having both pedestrians and vehicular traffic and deposits of construction debris while they're not at the site and that's the extent of the project.  
**Chairman LaPerch:** Peder, are you finished?  
**Mr. Scott:** Yes, I am.  
**Chairman LaPerch:** OK, Ashley, kind of describe what he wants to do with the fence please.  
**Ms. Ley:** So, he just wants to put a 3 ft. high fence around the perimeter of the property to prevent access, which is permitted under the Code. He would just need to show it on the Site Plan in advance of submitting the next version of the Site Plan and he also would need to present the details of the fence to the Architectural Review Board.  
**Chairman LaPerch:** OK, I do not have any further questions so I'm going right to my Board members here. Lynne, do you have any questions for this applicant please?  
**Boardmember Eckardt:** I do have a few quick ones: I know we had a few residents at our last Public Hearing located off Fields Lane, so what are the hours of operation and how much traffic is this going to generate Peder?  
**Mr. Scott:** So, the hours of operation are 6 am to 7 pm Monday to Saturday. The traffic is minimal because they only operate to deliver materials to the city and during the day it's pretty much vacant and then at the end of the day trucks would return from Manhattan and drop off materials. The trucks are small; what they use is a forklift that empties the trucks out from the rear of the loading bays and they enter into the building itself, so almost all the activities are inside the building in terms of movement of materials.  
**Boardmember Eckardt:** So my question is: how big are the trucks and how many trucks/trips a day are we talking about?  
**Mr. Scott:** I think we're only looking at about five to 10 truck trips in the am and then the pm. They only have 15 employees at the site and the trucks are parked offsite, so they are coming to the

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site and being loaded. They only use their own vehicles and therefore the number of trucks is limited.

**Boardmember Eckardt:** One thing that we've run into lately and I don't think this is the case here but I'm going to ask anyway, Peder. Are there any plans to add any kind of residential use; are there any apartments or living space on this property?

**Mr. Scott:** No, it's OP-1 so it's not permitted.

**Boardmember Eckardt:** OK, but that's not really my question.

**Mr. Scott:** They'll never add residential uses to this facility.

**Boardmember Eckardt:** OK, that's great. Tom, my concern here is...how big are the trucks? You said small but what are we talking about?

**Mr. Scott:** The DOT (Department of Transportation) is the 20 ft. wheel-base trucks, 10-wheelers can't get in the back. Big trucks can't get in the back.

**Boardmember Eckardt:** Tom, my problem and it's not a big problem, and I love when we re-use buildings and I think that part is great, but I'm a little concerned with the hours only because, and I know they want to beat traffic into the city, but because we have had residents in that area complain about excess traffic so Peder, you answered my questions and thank you.

**Chairman LaPerch:** Thank you Lynne. Mr. King, any questions sir?

**Boardmember King:** No questions at all.

**Chairman LaPerch:** Thank you. Mr. Hecht?

**Boardmember Hecht:** No questions.

**Chairman LaPerch:** Mr. Cyprus?

**Boardmember Cyprus:** No sir.

**Chairman LaPerch:** Thank you sir. Mr. Rush?

**Boardmember Rush:** I had a question: I know the 3 ft. fence is containing the property, but what kind of gate are you proposing?

**Mr. Scott:** Yes, it's going to be a straight bar; something similar you see with fire departments, a single bar rotating on a pole. It's just to prevent vehicles from entering, but you could walk underneath if you had to.

**Boardmember Rush:** OK, I guess no further questions. Thank you.

**Chairman LaPerch:** Thank you Mr. Rush. So, this is a Public Hearing and we have a new format here with Zoom, so in order to help us please if you have a question, we'll acknowledge you, but please state your name and address for the record so Victoria can get it down. I'm going to open it up right now. Is there anyone in the public joining on us on Zoom tonight that would like to ask a question of this applicant?

**Ms. Ley:** You can use the "raise your hand" feature at the bottom of the participant box or the chat box.

**Chairman LaPerch:** Does anyone see anyone responding? OK, we have no responses at this point, Victoria and Ashley? Thank you. If there is no one out there I would like to make a motion to close tonight's Public Hearing.

The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

**Chairman LaPerch:** OK, so it passes. Next step for this applicant, Ashley, please?

**Ms. Ley:** So, the Board already made it's referrals and issued the SEQRA Determination at the last meeting so the applicant needs to go to the ARB and then can come back to the Planning Board for Final Site Plan Approval.

**Chairman LaPerch:** Peder, you got it?

**Mr. Scott:** Yes, I'm all set. Thank you very much.

**2. LAS MANANITAS, 1248-50 Route 22, Tax Map ID 57.-2-40 – Public Hearing to Review an Application for Site Plan Amendment.**

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**Chairman LaPerch:** Who is representing the applicant please?

**John Folchetti of JR Folchetti & Associates:** I am.

**Chairman LaPerch:** Welcome John. What do you have? This is a Public Hearing. The first thing I'm going to do is make a motion to open tonight's Public Hearing.

The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

**Chairman LaPerch:** OK, John, you're on.

**Mr. Folchetti:** There are a whole bunch of different things going on here. First and foremost is the addition of a new rear fire escape and waiting deck for seasonal bar relief on the back side of the building, a new back deck and rear exit for the residents in the building because there is only one actual doorway out of that place, a new facade on the building to match the architecture of the restaurant, a 1,000 sq. ft. storage building, driveway improvements including grading, lighting improvements out at the entryway, the provision of permanent parking spaces as well as the provision for a directed valet layout. The current space count is 93 and the directed valet layout will get us up to 117. We are currently working with Mr. Dillon (Town Engineer Joe Dillon of Jacobson). He had one comment that we did not answer going into the last meeting. We corresponded with him last Friday and I think we'll have a workable solution to the grades that he is seeking in the parking area. There has been also finally the addition of the two outdoor patios onto the Site Plan. They were never previously part of an approved Site Plan. As we discussed last time, the County Health Department has approved the entire facility for a maximum of 200 seats indoors and out and so the intent is that that will be the maximum seating capacity and that interior seating will be sacrificed in the event that there is an exterior or outdoor event.

**Chairman LaPerch:** OK, John I'm not sure you are aware but we had a last minute correspondence from our Building Inspector about a structure on the property that we're not sure was identified as to what it is and I'm going to ask Ashley to describe what the Building Inspector looked at today.

**Ms. Ley:** We received an image of a shed that's near the parking lot near the road that leads to the other property and there was a lot of material that was spilling out of the shed and there was a concern that it was spilling onto the adjacent property.

**Mr. Folchetti:** Ashley, I'm not familiar with it, are we talking about the firewood shed or is this in a different location? Can you go like to the existing plan and point to where it might be because I'm not familiar with the correspondence at all.

**Chairman LaPerch:** You're right John, you aren't. We'll find it for you.

**Ms. Ley:** I'm just going to pull up the Site Plan first. So, the correspondence that I received didn't point it on a map so I'm not...

**Ms. Desidero:** Ashley, it's in the top right corner of the property.

**Ms. Ley:** Was it this?

**Ms. Folchetti:** Probably that.

**Ms. Desidero:** No, go down a little bit. Pull your screen up. It's right there where it says at the top it says, "covered shelter." It's that striped thing.

**Chairman LaPerch:** John, we have an open application here. We just want to make sure we get everything covered under this application so are you familiar with what that is?

**Mr. Folchetti:** I think that's the old cover for one of the two wells on the site but I'll confirm that. It seems to me that there's a northern well and then one down closer to the building and I think that that is probably the cover for the old well but I'll confirm it. Nope, I'll take it back, it's not because I can see the well all the way up in the corner of the property.

**Ms. Desidero:** John, it actually looks like a wood roof on actual tree stumps holding it up and it does have materials under it, but not wood.

**Mr. Folchetti:** OK, there's some storage stuff underneath there. So, is there a violation for that?

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**Chairman LaPerch:** The Building Inspector's concern was it didn't appear on the original Site Plan and we wanted to understand what it is and there's also a concern that it's up against a property line and there's a road that leads to the adjoining property and it's encroaching. So, we just want to make sure we get everything on this Site Plan so we don't have to bring you back.

**Mr. Folchetti:** That thing has been there for a long, long time. I'm sure it predates his possession of the property because there's a lower dwelling down there on that bench (inaudible) of the corner...

**Chairman LaPerch:** John, whatever it is we want to legitimize it.

**Mr. Folchetti:** So, it's shown on the plan. Ashley, what is it? We need to make a note on the plan that says it's used for X, Y, or Z?

**Ms. Desidero:** No, may I Tom? Sorry John, I think I might be one of the only people who spoke to the Building Inspector today about this. He knows it's on the plan. He sees that it was there on the existing conditions when this application came in. He didn't actually go there, he was on the neighboring property; he noted that there is a lot of overflow of materials outside of the covered shelter and he was questioning whether or not those materials are actually on the property or on the neighbor's property, but they clearly are flowing out of the covered shelter. So, his concern is that there may be a violation and that there may be outdoor storage there that shouldn't be there, but he does know that the shelter is on the plan.

**Chairman LaPerch:** Thank you Victoria.

**Mr. Folchetti:** Got it. I'll address it with Mr. Levine tomorrow and when we come back whatever it is will be addressed and limited accordingly.

**Chairman LaPerch:** John, I have one question for you before I open it up to the Board members. Walk me through the parking plan again and the valet component of what you're proposing again.

**Mr. Folchetti:** So, there's a regular 93 spot parking plan on the proposed conditions. We've expanded the parking down here with the little cul-de-sac in between the restaurant and the dwelling and we've re-oriented our parking. This is where Mr. Dillon has his questions on the west side about the grades across as we break out that rock so we'll address them with him and we'll come very, very close to the grades that he wants. So, that is a 93-space total plan and then the directed valet plan I believe is two sheets past this.

**Chairman LaPerch:** OK, and John the valet is during what time periods or weekends only? What is it?

**Mr. Folchetti:** No, it's for any time there's a special event and Thursday, Friday, Saturday and Sunday. So, Monday, Tuesday and Wednesday it's not too bad but basically the high occupancy days, which are the few days before the weekend hopefully coming soon and the weekend and any special events.

**Chairman LaPerch:** OK, and that will be memorialized on the plan? Ashley, how do we follow up with things like that?

**Ms. Ley:** So right now it's in the narrative and one of my comments was that it be added to the note section so it will be right on the plan.

**Chairman LaPerch:** OK, John, how do we handle the special events and the tent in the backyard? Is that now done, you're not going to have anymore tents in the back?

**Mr. Folchetti:** Not unless he goes and applies to the Building Inspector. We took that off the permanent plan question because there were concerns about too much racket coming off the back of the site and that that would be a routine type of occurrence so we deleted it from...

**Chairman LaPerch:** OK, John, if you apply for a Special Permit to do that or an event permit, does the Board of Health allow you to do that is the bigger question.

**Mr. Folchetti:** That would... the 200-seat limitation would apply, so in the event... it's 200 seats indoor and outdoor combined. In the wintertime when there's no outdoors if you can safely put 200 people in the building, terrific. But, in the summertime or in the fair-weather seasons when there is

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an outdoor event, like I said earlier, the interior seating will have to be sacrificed in order to keep a maximum of 200.

**Chairman LaPerch:** OK, thank you. I'm finished with my questions, Ms. Eckardt, do you have any questions for this applicant please?

**Boardmember Eckardt:** Hi John, it's my theme tonight, but there is one residence on this property correct?

**Mr. Folchetti:** There is.

**Boardmember Eckardt:** OK, and that is the only residence on the property? I know it's separate, but that's it?

**Mr. Folchetti:** That is correct and I believe there was a limitation placed on the very original site plan approval that limited that as the only residential use on the property as a pre-existing condition.

**Boardmember Eckardt:** OK, and I believe that is supposed to be owner-occupied as well, unless they applied for rental registration. OK, that's my only question, thanks John.

**Chairman LaPerch:** OK, thanks Lynne. Mr. King, any questions?

**Boardmember King:** No questions.

**Chairman LaPerch:** Thank you sir. Mr. Hecht?

**Boardmember Hecht:** I'm good.

**Chairman LaPerch:** Thank you sir. Mr. Cyprus?

**Boardmember Cyprus:** Ashley, was there a question about queuing for the valet? Was that resolved?

**Ms. Ley:** The way it's going to be is it's going to be a directed valet. It's not going to be a situation where you hand your keys to the valet and then the valet goes and parks. They will just be directing people to park in the more tightly arranged parking spaces. So, there's plenty of room to queue for that.

**Boardmember Cyprus:** OK.

**Chairman LaPerch:** Good question Eric, thank you. Mr. Rush?

**Boardmember Rush:** No questions.

**Chairman LaPerch:** Thank you and I have no further questions. This is a Public Hearing Mr. Folchetti, so I'm going to ask the public if they have any questions at this time and if there is anyone in the public at this point if not on video and want to indicate through the chat room, you have a question we would love to hear your questions please. Victoria, do you see anything? OK. Ashley?

**Ms. Ley:** No, I don't see anything.

**Chairman LaPerch:** I don't see anything either. At this point I'm going to make a motion to close tonight's Public Hearing.

The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

**Chairman LaPerch:** So it passes. OK, we have a couple more actions here for the Board members. I'd like to make a motion to adopt a Negative Declaration for this application.

The motion to Adopt a Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 absent.

**Chairman LaPerch:** The next motion is the ARB, Ashley, just do me a favor, what is he going to the ARB for? There are a couple of things he has to be approved for?

**Ms. Ley:** Right, so he's doing the addition of the deck both to the residence and to the restaurant as well as the changes to the Site Plan layout.

The motion to Refer the application to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**Chairman LaPerch:** Final action here: what variances is he looking for Ashley? I apologize for putting you on the spot here.

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**Ms. Ley:** Sure let me just pull it up. There are a number of them, primarily for setbacks. He needs a variance from the Environmental Conservation Buffer and parking setback: 5 ft. is provided where 100 ft. is required; a rear yard variance: he has 40.3 ft. provided for the shed where 100 ft. is required; a rear yard variance, he has 51.3 ft. provided for the restaurant deck where 100 ft. is required; rear yard setback for the residential deck, he has 92.5 ft. where 100 ft. is required; and a parking waiver requested from the Planning Board but that is something the Board can consider when he comes back. It's just for a handful of spaces.

**Chairman LaPerch:** OK, Mr. Folchetti you have some work to do on those variances. The motion to refer the application to the ZBA (Zoning Board of Appeals) was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

**REGULAR SESSION:**

1. **577 NORTH MAIN STREET, Tax Map ID 56.19-1- 40.2** – Review of a Request for a Performance Bond

**Chairman LaPerch:** This is a Performance Bond issue. Who is representing tonight? Barry, OK. Ashley, this is pretty straightforward. He's just back here, he didn't get this tied up last meeting and he's back to get his Performance Bond, correct?

**Ms. Ley:** That's correct.

**Chairman LaPerch:** I'll start with Ms. Eckardt, any questions regarding this bond?

**Boardmember Eckardt:** No, and the one thing I wanted to do, besides wishing Mr. Lansky great luck with his endeavors, I do want to say Tom he was extremely helpful when I visited the property showing me around and very cooperative so I do want to thank him for that.

**Chairman LaPerch:** Good stuff, thank you, good comments. Mr. King, any questions?

**Boardmember King:** No questions.

**Chairman LaPerch:** OK. Mr. Hecht?

**Boardmember Hecht:** No questions.

**Chairman LaPerch:** Mr. Cyprus?

**Boardmember Cyprus:** No sir.

**Chairman LaPerch:** Mr. Rush?

**Boardmember Rush:** No sir.

**Chairman LaPerch:** OK. Here we go.

The motion to Recommend a Performance Bond to the Town Board from our Town Engineer for this application was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

2. **STATELINE / RESTAURANT DEPOT, US Route 6/202, Tax Map ID 68.-2-48.1** – Review of Application for Final Subdivision Approval.

**Chairman LaPerch:** Who do we have here tonight?

Jeff Contelmo, InSite Engineering appeared before the Board representing this application.

**Chairman LaPerch:** Welcome. OK Jeff, walk us through where we are with this process just in case anyone isn't aware of it on my Board.

**Mr. Contelmo:** Sure, as the Board recalls we've been before you a number of times relative to the large retail establishment, Restaurant Depot, which will be going on Lot 2. We went through the SEQRA process with your Board. We've been referred to the ARB and ZBA. We're returning to the Town Board who will be granting our Special Use Permit, Site Plan and Wetland Permit because it's a large retail center. We are here this evening before your Board just for the subdivision application. We made application for Final Subdivision Approval. It was pointed out to us in your Planner's memo that because we we're thinking a development that would in fact disturb more than an acre that we would be considered a Major Subdivision. Therefore we need to

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go through the preliminary subdivision phase and then the final subdivision phase, so this evening we're before the Board for consideration of Preliminary Subdivision Approval.

**Chairman LaPerch:** Jeff, just to be clear here, you're subdividing off this property and Ashley correct me if I'm wrong, this applicant has the approvals for 210,000 sq. ft. and this building is going to be 57,000 sq. ft. of that 210?

**Mr. Contelmo:** Correct. Right now there are two lots already approved here. We're re-subdividing this into three lots. The first lot, Lot 1, was always master planned for future office building and Lots 2 and 3 would now be a combined large retail establishment with Lot 2 being the home for the future Restaurant Depot in the 57,000 sq. ft. building and then the remaining square footage is on Building 3, which would be part of a future application once those details come into clarity.

**Chairman LaPerch:** Jeff, question: there have been a lot of eyes on this project and there's been some activity out there. Can you explain for the Board, who may not be aware, what is actually going on there now with the equipment going on and some clearing?

**Mr. Contelmo:** Sure, working backwards chronologically: we just today finished the drilling of the well, which is a necessary component of the Health Department approval because it's a public water supply. The well has to be drilled, tested and part of the design for the well and septic approval, so that was just completed today. Prior to that, going into last week we just completed the additional soil testing that we were doing with the Health Department relative to the septic. Then, going back maybe a month or so ago we felled all the trees on the site or the majority of the trees on the site that would be disturbed for the Restaurant Depot because of concerns with the bats and that was done in coordination with the DEC (Department of Environmental Conservation). So, all of those: preliminary testing, well drilling, tree felling has all been completed.

**Chairman LaPerch:** And you also have the DOT (Department of Transportation) on board with this, correct?

**Mr. Contelmo:** That is correct. We had the DOT who provided a letter during the SEQRA review process and right now we're going through the actual highway work permit process with them.

**Chairman LaPerch:** Ashley, I know you and I have been talking, I've been talking to (Town Engineer) Tom Fenton, I've been talking to a lot of people about the assurances we need for this applicant to make sure that the bonds are in place. Can you walk us through our discussions please?

**Ms. Ley:** Sure, the work that was done on the property in terms of the clearing was done on the basis of the original site plan approval, which is still valid for the property. As this transitioned to the new project and moving toward this project's approvals, we need to have bonds in place to protect the Town should the applicant disappear for one reason or another, we need to be able to make sure that the site can be restored. So, as part of this preliminary Plat approval there is a condition that a bond be posted prior to Final Plat Approval and that would cover that restoration.

**Chairman LaPerch:** Thank you. Jeff, you onboard with that?

**Mr. Contelmo:** Yes, as long as we're clear on the scope of that. What the subdivision is doing is allowing the land to be broken into three parcels for future development. The actual future development for the Restaurant Depot will involve a tremendous amount of site work, a tremendous amount of erosion controls and I would assume a fairly substantial bond. I believe what Ashley is referring to though is a bond just to protect the work that's been done to date and to be clear on that, we've put in a stabilized construction entrance in order to get the well rig in. We built a short driveway to get the well rig in. We've put up some silt fence and then there are some areas as part of the tree felling that may have gotten scuffed up that should be seeded and mulched. I see this as a very limited erosion control bond. As long as that's what Ashley sees as well; we have no problem with that.

**Ms. Ley:** I spoke with the Town Engineer and he recommended that it be based on the erosion and sediment control measures that are outlined in your amended SWPPP for Lot 2.

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**Mr. Contelmo:** That's not consistent with our past dealings with applications of this nature. The owner, PLI, LLC, is looking to subdivide the property in order to convey Lot 2 to Restaurant Depot who then will undertake all of the intense work associated with Lot 2. They would post the bond relative to their work. Our work did disturb some areas as pointed out by the Town Engineer relative to the well drilling and the felling of the trees primarily and we're willing to bond that, but the bigger bond should be associated with the site plan by that party when that party endeavors to take on their work.

**Chairman LaPerch:** Ashley, your thoughts?

**Ms. Ley:** The Town Engineer was pretty adamant that he felt it should be based on as it's laid out in the SWPPP. The way that the resolution is worded right now is that it's at an amount that's agreed to by the Town Engineer, which the bonds are really more...

**Mr. Contelmo:** I have no problem discussing it with Tom. I just want to be clear: the subdivision proposes no construction, right? The application that's before you right now, this evening, for Preliminary Subdivision Approval contemplates no construction. There has been some activity on the site in order to perfect and move the approval process forward and we're willing to stand behind that and be sure that it has surety behind it in the form of an Erosion Control Bond to make sure that work is maintained and properly stabilized. The future work on Restaurant Depot will lie with them when they go to get their site plan signed with the Town Board and they're going to post a substantial bond for the substantial work that they're going to undertake. I have no problem talking to Tom about this. This is done in many, many communities in a similar way. We're not asking to do anything that would upset the apple cart in terms of exposing the Town or anyone else for that matter.

**Chairman LaPerch:** Jeff, question: our concern is that this deal might not go through and we're stuck with all these trees down and if it doesn't go through, we'd like the property restored to some form of niceness. Can't you have your applicant put the bond up and have it transferrable to Restaurant Depot if the deals go through?

**Mr. Contelmo:** Well, if we want to protect taking the trees out, we have no problem bonding taking the trees out for that matter. If what we're talking about is bonding the maintenance, the couple hundred feet of silt fence that's been installed, maintaining the construction entrance that's been installed, and stabilizing the disturbed areas that were associated with the felling of the trees, and then stabilizing any activity associated with removing the trees we have no problem with any of that. It's just that we don't want to post a bond for Restaurant Depot that this application is not a part of. This application is for the subdivision and I understand the Town wanting to have a restoration bond and an erosion control bond for what's been done there in order to perfect the approval.

**Ms. Ley:** These are all linked. The subdivision doesn't stand independent of the site plan; it's all part of the same process, the same application that was all reviewed as part of the same SEQRA process.

**Mr. Contelmo:** I disagree with you Ashley respectfully. The subdivision is creating three lots. If Restaurant Depot goes away, the owner will still have three lots that he'd be able to market independently and sell independently. When the next guy comes in and has a plan to develop it there would be a site plan review, there would be associated approvals, there would be associated fees, and there would be associated bonds.

**Chairman LaPerch:** OK, Jeff, I have kind of a basic problem here because we're in a new world here right now and you don't know where deals are going. So what assurances can I as Chairman give our Town that if Restaurant Depot doesn't go through in the next couple of months that this property is not going to be restored in some way or fashion. Who is on the hook for that?

**Mr. Contelmo:** The applicant for the subdivision. We have agreed...

**Chairman LaPerch:** What is the mechanism, Ashley, that assures me that he's going to do that?



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**Ms. Ley:** Well, I'm proposing that it be included as a condition of this approval to get a bond posted.

**Chairman LaPerch:** So, Jeff, what is the push-back on this? I think we're trying to say the same thing, but I'm not sure what you're saying because I need certainty that if this deal doesn't go through, and we're all crossing our fingers it does, the Town is not at risk for chasing someone to clean up that property.

**Mr. Contelmo:** Right, so we will post a bond in an amount commensurate with cleaning up that property, but not building a Restaurant Depot; two different things.

**Chairman LaPerch:** Hold on, I think your applicant, Mr. Camarda, wants to say something here.

**Mr. Camarda:** Yes, look we took the trees down and property owners have a right to take trees down and new trees will eventually grow back up. What would you expect me to do if Restaurant Depot for some reason in the month of July decides to walk away? I can't replant the hill with trees.

**Chairman LaPerch:** We're not saying that Paul; we're asking you – you felled trees, how are you going to take them out and restore them to at least clear meadow area. That's the concern of the Town at this point. Who's on the hook for clearing that up?

**Mr. Camarda:** Well, it would be with the property owner, but why does it have to be a clear meadow? It was never a meadow in the first place. The land to the east of that is a meadow, you can see it, it still is a meadow. This was a little bit rougher property, a little bit more hilly, so it was never quite a meadow.

**Chairman LaPerch:** I'm not saying, I'm not looking for Sound of Music. I'm looking to get trees out of there and create some kind of open space here that dead trees aren't going to linger there until this market cooperates with someone like you that's been trying to get someone in there. I need to understand that if this thing doesn't happen in "X" amount of months there's some Town leverage here to say let's start cleaning up that visual here, OK? I don't think we're being unreasonable here asking to put some kind of bond up that says that's going to be cleared and maybe transferred to your new owner. Once again, we're crossing our fingers that this happens, but I can't have that visual there of 400 trees laying there if this deal doesn't go through and that's our role as Board members to make sure that this Town is protected with those assurances. I'm not sure why the pushback here because I'm pretty sure that that was your intent, to work with the Town and we're doing everything I think in our powers to work with you on this, but I can't leave this open-ended at this point that this might not be remedied God forbid your deal doesn't go through.

**Mr. Camarda:** Yes, I think that would be a problem, but look if I don't get it approved quick enough for the summer they could easily punt until next Spring and I don't know what the world will bring this September.

**Chairman LaPerch:** I get that. I understand the risk here, but I can't have those trees laying there hoping that this thing goes there. I need an assurance that there's a backup plan that we have money to clean up the property and that it looks clean.

**Mr. Camarda:** Let me just say this Mr. Chairman, right now those trees have some value, but if they sit there more than another week in the sun they start to crack and your tree guys, your foresters, they become valueless trees other than for mulch. If I could remove them in the near term maybe there's some value to the foresters to get them to a mill where they're used for products. I don't want to touch them now because I don't want to trigger anymore problems. The only reason why we took them down is because the DEC said take them down because you go past April 1, you're not going to be able to touch those trees until November 1.

**Chairman LaPerch:** I get that Paul.

**Ms. Ley:** The only thing that's keeping you from taking the trees off the property is that you need to be in compliance with your SWPPP and if you are disturbing more than 5,000 sq. ft., you're going to have a violation by removing those trees. So, you're going to need to make sure that you

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have your bond posted that you're in compliance with Chapter 119 of the Code, which is all that this is saying, so that you can get the trees out of there in a timely fashion.

**Chairman LaPerch:** I don't think that's unreasonable.

**Mr. Camarda:** Well, I think you could attach that to the final subdivision approval. Attach that bond requirement to your final subdivision approval a month from now. Hopefully, in a month from now, and it probably would be more palatable because frankly a month from now I get closer to a finish line and hopefully Restaurant Depot is still standing next to me, which I expect they will be.

**Chairman LaPerch:** Ashley, is that a problem?

**Ms. Ley:** I guess the trees would be less valuable if you waited a month from now.

**Mr. Camarda:** Look, we're not going to get it done in the next week. I'm not getting a bond and if it's a sizable amount of money I'm not going to write a check. If we're talking about erosion control, I'll run to Town and write a check, but I don't know what your total is going to be with Mr. Fenton, so I don't want to make a promise to you not knowing where his number is. That's only fair. If I had an idea, if you told me \$15,000 covers it it's reasonable, but I don't know where he is going as far as a number so I would say if we can't get it done now we attach to the final approval because you're still totally in control until you have a final approval issued to the project.

**Chairman LaPerch:** Let me do this: I've talked enough, let me get some more thoughts from the Board members, so I'm going to open it up to the Board at this point and we can circle back at the end after the questions from the Board members. Ms. Eckardt, do you have questions for him?

**Boardmember Eckardt:** Yes, Tom, I really agree with you and thank you for taking a tougher stand on this. I've gotten three separate complaints on this property and the way it looks and I'm not around to get the complaints, so I do think it's really important to make sure that the Town is completely protected. I worry about waiting the month, that's all. That would be my advice is to get this done sooner rather than later. I think the world is so uncertain and that is problematic.

**Chairman LaPerch:** Thank you. Mr. King?

**Boardmember King:** I'm not 100% sure what we're going back and forth about: is it because on one end we want to get a bond in place right now or I guess I didn't understand the genesis of the conversation.

**Ms. Ley:** We want to get a bond in place so that the site can be cleaned up and there is a question that some of the work that's happened may have exceeded the 5,000 sq. ft., so we want to make sure that the site is cleaned up and in compliance with Chapter 119 of the Code and the disagreement is over what the amount of that bond should be. The Draft Resolution doesn't specify the bond amount, it says it needs to be agreed upon by the Town Engineer, the language is actually on the shared screen. The concern from the applicant's side is that the upper end of this estimate could be based on the SWPPP for the full build out of Lot 2 vs. enough that would cover what's been done on the site already.

**Boardmember King:** Right, so was the cutting of the trees based on the subdivision of the second parcel only or was it based on all three of them?

**Ms. Ley:** They kept it within the limits of Lot 2, but it was based on the original site plan.

**Boardmember King:** OK.

**Chairman LaPerch:** Ashley, can I ask you a quick question? If we kind of delay this vote to the 8<sup>th</sup>, would that give time... Jeff this is kind of a dual question for you and Fenton to get together on a number that you can get comfortable with?

**Ms. Ley:** That would delay the full process though, just to point that out. That would push out the final approvals by about a month potentially.

**Mr. Contelmo:** Right, and I appreciate that Ashley, and I note that as well. I would rather take my chances at talking to Tom, because again having dealt with Tom for many years, probably a couple decades now, I understand how the Town approaches these issues and how the State envisions these issues to be addressed from a SWPPP standpoint. I'm not suggesting that anyone should go on

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without any bonds, all I'm suggesting is that the bonding should be bifurcated congruent with the approvals and what I'm suggesting that the condition that you have in there right now is fine as long as the scope of the bonding right now has to do with the work done to date and the work to restore what's been done to date. Separately, as is normal when the site plan approval is granted there will be a bond associated with the full scope of what's being approved with the site plan and to me that's the way this process should work and is supposed to work. I believe I can speak to Tom and we can come up with a reasonable number to protect what's been done out there and to assure there are no erosion control problems going forward and, also, if it's the Board's desire to address the concern of having a surety such that the felled trees can be reasonably and safely removed from the site. Bonding that I have no problem with that associated with the subdivision. Obviously, as I stated, the site plan is a different approval by a different Board and it will contain its own surety conditions as part of that site plan. We're saying we just want to bifurcate that fairly and squarely associated with the approvals. I have no problem with how it reads now and I'm willing to talk to Tom about it.

**Chairman LaPerch:** OK.

**Mr. Camarda:** If it blows up, we'll come back.

**Chairman LaPerch:** Mr. King, any further questions?

**Boardmember King:** No.

**Chairman LaPerch:** Thank you. Mr. Hecht?

**Boardmember Hecht:** I echo everyone else's concerns. Living very close to that concerns me very greatly.

**Chairman LaPerch:** Thank you. Mr. Cyprus?

**Boardmember Cyprus:** I think how Jeff just closed sounds reasonable. To have a bond on the entire project probably seems like too much. My only concern would be if the deal completely blows up that we agree on what kind of restoration measure we're looking for. I know we talked about meadow vs. whatever, I don't know what's right, but my only concern would be some reasonable level of restoration, not the large bond for the whole project.

**Chairman LaPerch:** Right, that's fair. I agree with you. I think Jeff did a good job kind of telling us what he'd like to do. Mr. Rush?

**Boardmember Rush:** I guess I'm going to echo everyone else's concerns. I think what Mr. Cyprus said is how I would feel as well.

**Chairman LaPerch:** OK. Ashley, are you comfortable with the way Jeff stated the way he'd like to move forward?

**Ms. Ley:** So, just to be clear: I think at the end he said he was OK with the Board voting on this tonight with the language, but it wasn't clear to me if he meant the language as stated in the resolution currently or if he's looking for specific text amendment.

**Mr. Contelmo:** I think regardless we're not going to settle tonight on the amount of the bond.

**Ms. Ley:** Right, and that was never the intention.

**Mr. Contelmo:** My only request would be just to agree on the scope of the bond and then allow Tom and I to discuss the value of it, which I have no problem with. My suggestion for the scope is to address the erosion controls already put in place based on the preliminary testing and well drilling as well as to address the removal of the trees and that be the end of what we would cover.

**Chairman LaPerch:** Ashley, if I understand what he is saying, I think that sounds somewhat fair in terms of what's out there now and then he and Tom could work it out. The ball is in the applicant's court to work it out with Tom in order to get back on the agenda by the 8<sup>th</sup>. Do you agree?

**Mr. Camarda:** Just in case we don't, can we make application on the 8<sup>th</sup> and say if a bond is not in place and an agreement with Mr. Fenton is not completed then we're going to take you off the agenda for the June meeting. Just in case it's next Monday and Jeff and Tom haven't gotten

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together yet for whatever reason, we still can at least put the application in and the onus is on us to effectuate that bond and get it in place so we can be on your next agenda.

**Ms. Ley:** Yes, you can file to be on the agenda for the 8<sup>th</sup> and the bond would need to be in place the Thursday or Friday before the meeting. It wouldn't need to be in place to file the application.

**Mr. Camarda:** That's fair, that's very fair.

**Chairman LaPerch:** OK, are we on the same page? Any further questions?

**Boardmember Eckardt:** Tom, can I ask a question?

**Chairman LaPerch:** Sure.

**Boardmember Eckardt:** Can we vote on this... can you be very specific on what we're voting on as far as number seven on this?

**Chairman LaPerch:** Sure. Ashley, I'm assuming this language stays the same, there's no change?

**Ms. Ley:** Yes, there's no change.

**Boardmember Eckardt:** OK, I'm comfortable with that then, thank you.

The motion to grant Preliminary Plat Approval with the condition that the bond for the Sediment and Erosion Control be posted with the Town was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent.

**Chairman LaPerch:** It passes. Ashley, the ball is in their court and what's the timeline here, what do they need to do?

**Ms. Ley:** Immediately they should be reaching out to Tom Fenton to establish what the amount of the bond would be and then they need to file for Final Subdivision and the deadline is next week, and then they need to get the bond posted say by the Thursday or Friday before the meeting where the Board could consider Final Subdivision.

**Chairman LaPerch:** They still have an ARB meeting; they still have a Zoning Board meeting?

**Ms. Ley:** Yes, they still have to go to the Zoning Board of Appeals and they still have to go to the Architectural Review Board. Once they get their Final Subdivision Approval, they'll be done with the Planning Board. The ultimate Site Plan, Special Permit and Wetland Permit approvals are with the Town Board for this application.

**Chairman LaPerch:** OK, thank you. Any other questions Jeff? Are we on the same page?

**Mr. Contelmo:** We are on the same page and I appreciate the Board's consideration with this. We know it's a complicated process and there are a lot of moving parts so thank you again for all your consideration.

**Chairman LaPerch:** Thank you.

**3. HOME DEPOT, 80 Independent Way, Tax Map ID 56.-1-23 – Review of Application for Site Plan Amendment.**

**Chairman LaPerch:** Moving on to Home Depot, another fun topic for everyone. Before we start this next session, Victoria has a question. Victoria, please.

**Ms. Desidero:** So, I have unmuted Omar whom I know is associated with this application. Can you just tell me if there are other people with you on this call tonight?

**Mr. Mansour:** This is Omar Mansour with (inaudible) representing Home Depot. I do have Rich Procanik, who is the engineer and John Rea from Traffic.

**Ms. Desidero:** OK, I will unmute them as well. Thank you.

**Chairman LaPerch:** Thank you and welcome gentleman. Who is going to be the lead speaker on this application, please?

**Mr. Mansour:** It's going to be Rich Procanik, the engineer.

**Chairman LaPerch:** Rich, welcome.

**Mr. Procanik:** Thank you.

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**Chairman LaPerch:** Walk us through what you're looking to do and Ashley will put the map up and the site plan. Please tell us what you're doing here.

**Mr. Procanik:** Sure, I'd be happy to. Ashley, if it would be easier, I can take lead and ownership if you like, if not you can just follow along with my presentation.

**Ms. Ley:** We have that disabled, sorry.

**Mr. Procanik:** OK, so what we're here tonight to talk about is to reallocate certain portions of the site that are currently parking and re-utilize them for outdoor storage, display, mulch storage, lumber staging, and load-and-go parking. There was a similar application in front of this Board in 2006 and our desire is just to further expand on that application. We understand that our conversation with you and Omar that our layout was a little confusing. Hindsight being 20/20, we would like to make some minor modification. If you wouldn't mind going to the third sheet, I just want to add a little bit larger context to what we would like to do tonight. You will notice on the left-hand side of the sheet there is a weekday sale and weekend sale. We would like to completely ignore that weekday sale. We thought if we had something lesser during the less peak time it may be beneficial to both Home Depot and to the Town but, like I said, in hindsight we think we were complicating things more than it needs to be. So we would like to completely remove that weekday layout and just focus on the weekend, which would now become our everyday sales and storage. For this application, we currently have two variances and a Conditional Use Permit that we're asking for. The parking counts, we don't meet the required parking by one parking space and we're willing to give up a parking space to be compliant and not have to go to the ZBA for that approval. Secondly, there is a question on whether or not that parcel line is actually a lease line or property line and we'll continue our conversations with you after this meeting to come to some resolution. Specifically, with the parking, as it exists today there are 565 spaces where 548 are required. The Board has the ability to grant a waiver of up to 15% of the required and that would put us at a 466-space requirement if the Board was to kindly give us that waiver. The application currently proposes 461. So, I apologize I misspoke, I said it was one space we'd give back, it's actually five and we're willing to do so. In the letter that was prepared it had made mention that we were in excess by one space. I would like to further clarify what the load-and-go areas are: that is basically up there on the south corner. Those are Home Depot owned pickup trucks for rent. It is not meant for a customer to drive onto the site, park, wheel the products over there and then load up their own vehicle; it's in case a customer wanted to rent a vehicle to bring some merchandise home. We did not allocate those four spaces for pedestrian parking, which would now require us to reduce the storage area by five spaces to be compliant with that 15% waiver. There are four other main areas which we intend to utilize: there is outdoor storage, which is near the loading and garden center along the rear; it's meant for general storage of material like stone, soil, pallets and really additional use associated with the garden center or that loading area in the back where they receive shipments. That area is approximately 2,762 sq. ft. It will be utilized between March 1 and July 7 and it does not affect parking in any capacity. The second area is the outdoor display shed area. It is where mock-sheds are up for display. They are about 12 ft. high and that would be the maximum height of a shed. We are eliminating 10 parking spaces, which is roughly 1,710 sq. ft. with the intent of that area being utilized year-round. There are two different hatches we are utilizing, the little X cross hatches and then the triangular cross hatches so the outdoor sales area will be that little area of cross hatching. There are three areas that total 11,628 sq. ft. and that occupies 48 spaces with the intent to be used between April 1 and June 1. As I mentioned before, we are looking to reallocate some of this area and give back five parking spaces. So, what we would like to do is... on the property line there are nine spaces that have that cross hatching and we would like to remove all nine of those spaces and then add five more spaces directly across by the relocated cart corral. We will resubmit by the end of the week to further depict that. The last area is the outdoor storage area for mulch storage and that's in that triangular hatching that's just to the right of the cross hatching. That is approximately 12,198 sq. ft. and will occupy 42 existing parking spaces with the intent to

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operate between March 1 and July 7. Those are all these areas where what we typically propose is that we provide a solid 4 in. white stripe around all these areas and what that does is allow any inspector from the Town or anyone to quickly identify whether or not we are in compliance with these new designated areas. If an inspector or someone from the Town cannot see the white line around the merchandise, we're in violation. That is everything that I have for you tonight.

**Chairman LaPerch:** Thank you Rich. There's a lot going on here. Let me just recap what I think I heard. You are taking where all those rental trucks were and are relocating them to the back left-hand corner basically behind the building there, right?

**Mr. Procanik:** Correct.

**Chairman LaPerch:** You're taking that former area and putting the sheds there?

**Mr. Procanik:** Correct.

**Chairman LaPerch:** Moving down into the relocated area there where the cart corral is, you're going to use that as your designated weekend storage for spring market, correct?

**Mr. Procanik:** Correct.

**Chairman LaPerch:** You will have white lines letting any of our Board members go out there and see if you are sprawling.

**Mr. Procanik:** Correct.

**Chairman LaPerch:** I think I get it. Listen, I guess on a personal level I like what you're doing here. I get it, it's constrained, but I would just ask you also, I think the site is dirty. I would ask that you would ask your local manager who is a very nice guy... I just find that whole area and the landscaping to be horrible and it's dirty. So, as we have an opportunity to talk about this project, I get what you want to do and I have really have no issues with it but I think there needs to be more diligence about keeping the area... I know there are a lot of people who are pigs up there, they drop everything off and I get that. But I would like to see if there could be more of an effort to keep that place looking cleaner. Everything is dirty all the time up there. That's my main beef besides the confusion about where are you doing this spring market here. I just wanted to give my two cents before I open it up to the Board. Lynne do you have any other questions for this applicant please?

**Boardmember Eckardt:** Of course I do. A friend of mine went up there for me and took pictures over the weekend and it seems to me that while there aren't lots of goods out for obvious reasons, they're all in different places. Right now the mulch is in a couple places. Do you have bucket trucks for rent up there or were those just NYSEG trucks, do you know?

**Mr. Procanik:** I don't know what exact tools they have for rent. They do have rentals but whether it's something commonly stored on the site or something that could be special ordered for rental, they do offer that as equipment for rent.

**Boardmember Eckardt:** Consolidation would be good. These were over near the Marshall's parking lot. They were on the Home Depot property.

**Chairman LaPerch:** Lynne, there were like 25 trucks there over the last couple weeks. The storms are coming through, it's probably the response teams.

**Boardmember Eckardt:** OK. Can you explain what kind of fencing you're going to use?

**Mr. Procanik:** Fencing in regards to what? That is our temporary post and rail fence so it looks like a normal post and rail fence but the columns are set into concrete and buckets. It is meant so that as the seasonal areas are utilized, they can put those together pretty quickly and disassemble them just as quickly.

**Boardmember Eckardt:** OK. My concern has always been and it still remains; this will clean it up and that's a really good thing but safety... I just worry with kids and those big carts and kids darting out who are shopping with their parents. I have real concerns with this layout. I've been there many times... because you have to leave your fire lanes open, I would assume, is that correct?

**Mr. Procanik:** Absolutely, yes.

**Boardmember Eckardt:** Tom, I think it will be an improvement and I'm not sure how much better it can get, but... Will you have crosswalks painted as it's a really tough plan. Between the

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fenced in area and the garden center, will there be crosswalks there or a painted surface to get people to really slow down or even putting in a different kind of surface that might make people slow down?

**Mr. Procanik:** Understand. It's actually something that we hear quite commonly. I think this is my 15<sup>th</sup> site and that is something we do here quite often. So, this application here as it is presented to you does not propose any additional traffic calming devices... is the technical term. Whether it be a speed bump, a speed table, the little remnant strips, and even just a pylon sign, but we can work with Home Depot and put some traffic calming devices in that general area of the weekend sales if that would help the concern.

**Boardmember Eckardt:** Traffic calming devices there in my opinion would be very, very helpful. I don't know how the rest of the Board feels. I think it could be an enforcement nightmare, but if you are painting the lines that certainly will help.

**Mr. Procanik:** I would like to expand on Lynne's concern is that every Home Depot has something called an ORSP. It's an Operating Restrictions Site Plan; it's an 11x17 placard located at the desk up front and in the manager's office and is also posted in a public area for the employees to see. What that plan shows is the limitations, where the fire lanes are so that they understand that they cannot put something in that fire lane to cause an obstruction. So, anything that is hopefully approved from this Board will be incorporated into that and posted within the Home Depot.

**Boardmember Eckardt:** And Tom, I would like to say when I have been there, there really have been problems with the fire lanes as well. As I said, my concern here is safety so traffic calming absolutely and really keeping things out of the fire lane.

**Mr. Procanik:** When we paint these white lines it will help define that fire lane and right now... I worked at Home Depot when I was 20 and this type of stuff never really dawned on me: the safety, the fire lanes. I was 20 years old and it just never hit me. When we paint these white lines and we allocate these specific areas and obviously require the managers and the assistant managers of the store to enforce it, but it provides parameters. It's going to provide parameters for the employees that they can't just put mulch anywhere; it needs to be in this area and this area is clearly marked with pavement markings and there is a plan in the building that shows this is where the mulch needs to be stored. There was a comment about trash and the tidiness of the parking lot, so I personally can't go out there myself and pick the garbage up, but what we can do is we can gauge the store, we can express your concerns to the store. We can make that commitment and by the time we come back at the next meeting that parking lot will be cleaned and stay at that level of tidiness. That is the only thing we can offer right now for that tidiness.

**Chairman LaPerch:** I appreciate that Rich. Let me get to my other Board members. Mr. King, any questions?

**Boardmember King:** It seems to me that everything on this site plan is already happening up at Home Depot, is that not correct? I mean all the sheds have been moved to that corner, they've already blocked away... I was there the other day and noticed how much the garden center had blown up into the parking lot. Is that not the case?

**Mr. Procanik:** For capacity it is and that's why we're here. We have a program. We work very closely with Home Depot coast to coast and whether it's a store that has more sales than the four walls can contain or for other reasons they go back and they evaluate each store in that category and try to come up with solutions that improve the circulation. Obviously with the safety with the fire and the pedestrian crossing and that's why we're here tonight. Home Depot understands they're in violation of the current approval and we're here to rectify that proactively I believe.

**Chairman LaPerch:** Thank you, Mr. King. Mr. Hecht, any questions?

**Boardmember Hecht:** With all this stuff shifting to that corner of the lot with the corrals, the fencing and the outdoor storage I do have some concerns about getting emergency vehicles in there with turning radiuses and everything else. I don't know whether it would be smart to maybe to go

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over this plan with the Fire Department to kind of see if they have any issues with getting trucks in there.

**Mr. Procanik:** We encourage that. We think engaging the Fire Department is a great idea and if you can just zoom out a little bit, I can touch on that from an engineering perspective.

**Ms. Ley:** I think there was a truck turning radius plan...

**Mr. Procanik:** There is.

**Ms. Ley:** ...presented to the Building Department. Here it is.

**Mr. Procanik:** That's for delivery. That's the WD67, that's how Home Depot receives the majority of all their deliveries. We would anticipate an emergency vehicle, a fire truck, we would anticipate that it would either go clockwise or counterclockwise around the building and not necessarily through the aisle that we're proposing to utilize for outdoor storage. We do provide the appropriate turning maneuverability and would be happy to provide any sort of documentation to the Board for their review and would certainly be happy to engage the Fire Department for any feedback that they have on how we could maybe improve the site as it exists today.

**Chairman LaPerch:** Thank you. Mike anymore?

**Boardmember Hecht:** No, thank you.

**Chairman LaPerch:** Mr. Cyprus please?

**Boardmember Cyprus:** I share Lynne's concerns about the area between the garden center and the sales area or whatever it was called. I'm a regular Home Depot customer and every spring it's literally mayhem in that area so I would love to see what you come back with for traffic calming as you called it. To Jim's point a little bit, a lot of what's on this plan has been going on at the site every Spring and I'm glad that we will clean it up and memorialize it but I just hope that what you agree to here is what we live with and we don't grow beyond what you're asking for here.

**Mr. Procanik:** Yes, and to your point, we sit down with each store individually and ask them what their current operations are and what they want. So, this store has input on this layout. Every site is different. With our proactive approach to this store and their managers we've had success in them keeping their material in the area where the plan shows as they're engaged. We're doing everything we can from our side to make sure that the site is laid out in a safe manner, but also in an operational manner that works for the store: the garden center, the lumber and some of those larger bulk departments.

**Chairman LaPerch:** OK, thank you. Any other questions Eric?

**Boardmember Cyprus:** No sir, no.

**Chairman LaPerch:** Mr. Rush?

**Boardmember Rush:** Not to beat a dead horse, but when you're looking at the traffic flow there, I wonder if it's not possible to have maybe even some kind of temporary partition that could go across and extend the garden center to that portion so that vehicles don't go through there. I share Lynne's concern about that. You're there and already pushing your cart and looking around and the next thing you know there's a car there. Is it absolutely necessary and vital to this site plan to actually be able to pass through there? Now, with a temporary barrier an emergency vehicle situation could still go straight through. I don't know if there's a speed bump involved if we don't have something like that that would really jolt someone so they wouldn't go through there, but I would like to see it so that you couldn't get through at all personally.

**Mr. Procanik:** And that's certainly an option and we would be happy to take a look at it. As you were describing it, my immediate thought was emergency vehicles and you would want to make sure that we had something that one, obviously safety and that an emergency vehicle could get through; and two, the pedestrian interface with those sales areas are safe. We can certainly take a look at that.

**Boardmember Rush:** Just to clarify, I'm not suggesting this happens any longer than the duration that's April to June or whatever that period of time is.



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**Mr. Procanik:** Understood, we just didn't want to look at just general site circulation. We don't want to create something that's going to be a hinderance or be even more problematic than the current situation that you're describing. We'll certainly look at that.

**Boardmember Rush:** Anything that would protect the public and still keep everything safe would be our goal.

**Mr. Procanik:** It's always our goal as well.

**Chairman LaPerch:** Thank you. David. No further questions unless I see anyone raise their hand at this point from the Board.

The motion to Classify this as a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

The motion for Intent to Declare Lead Agency under SEQRA for Home Depot at 80 Independent Way was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.

The motion to set the Public Hearing for June 8, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

The motion to Refer this application to County Planning for GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

4. **APPROVE MEETING MINUTES OF April 13, 2020** – The motion to Approve the Minutes of April 13, 2020 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

**Chairman LaPerch:** We are done with our regular session. Victoria, what do we have for our next meeting?

**Ms. Desidero:** We actually have a few small things. The next meeting is June 8 so we will have the Home Depot Public Hearing, a request for an extension on a subdivision approval for Roth Nursery Subdivision, and something else that was very small that just came in. Ashley, do you recall?

**Ms. Ley:** I don't recall getting anything yet.

**Ms. Desidero:** I know what it was. It's Watchtower, the dust collector; they're coming back.

**Chairman LaPerch:** I want to add one thing to this discussion about future discussions. Will (Stephens, Town Attorney), I've been talking to you about this. We've been approached by two property owners on Old Doansburg Road who would like us to consider rezoning the property back to OP-1 type of uses.

**Ms. Ley:** That's correct. It's currently RC. It was rezoned to RC in 2004.

**Chairman LaPerch:** One was Mr. Mike Palmer approached us about his property and we received a letter today from a property owner, correct Victoria?

**Ms. Desidero:** Correct.

**Chairman LaPerch:** They are asking us to consider that. I'm going to speak to the Town Supervisor about having a discussion about entertaining that thought. The action item would be in order to?

**Ms. Ley:** It would be a Zoning Map Amendment to rezone basically all of Old Doansburg Road, which previously was Zoned OP-1 back to OP-1. It could be either that those individual property owners could petition the Town Board to have those properties rezoned or the Planning Board can make a recommendation to the Town Board that they consider rezoning those properties and ultimately it's the Town Board's decision and they would need to have a Public Hearing on it.

**Chairman LaPerch:** OK, any questions from the Board on that? We're going to probably entertain the conversation.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
May 11, 2020**

The motion to Close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**June 8, 2020/CC/VAD**

**THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:**  
<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>